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- ART. VIII. — 1. *Report on the Prisons and Reformatories of the United States and Canada, made to the Legislature of New York, January, 1867.* By E. C. WINES, D. D., LL. D., and THEODORE W. DWIGHT, LL. D., Commissioners of the Prison Association of New York.
2. *Twenty-second Annual Report of the Executive Committee of the Prison Association of New York, transmitted to the Legislature, January 29, 1867.*
 3. *The Journal of Prison Discipline and Philanthropy.* New Series, No. 6. Philadelphia. January, 1867.
 4. *Third Annual Report of the Board of State Charities of Massachusetts.* Boston. January, 1867.
 5. *First Annual Report of the California Prison Commission.* San Francisco. 1867.
 6. *History of the Albany Penitentiary.* By DAVID DYER, Chaplain. Albany. 1867.
 7. *Reports of the State Prisons and Penitentiaries of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Ohio, Michigan, Wisconsin, Missouri, and Minnesota, for the Years 1865, 1866; of the County Prisons of Connecticut, Philadelphia, Detroit, and the District of Columbia, for 1866.*
 8. *Report of the Board of Inspectors of Asylums, Prisons, etc. (Canada.)* Quebec. 1867.
 9. *Seventh Annual Report of the Commissioners of Public Charities and Correction.* New York. For the Year 1866.
 10. *Compte Général de l'Administration de la Justice Criminelle en France pendant l'Année 1865.* Présenté à Sa Majesté l'Empereur par le Garde des Sceaux, Ministre de la Justice et des Cultes. Paris. 1867.
 11. *Statistique Centrale des Prisons et Etablissements Pénitentiaires pour les Armées, 1863, 1865.* Par M. DUPUY, Directeur de l'Administration des Prisons, etc. Paris.
 12. *Mittheilungen aus den amtlichen Berichten über die zum Ministerium des Innern gehörenden Königlich Preussischen Straf- und Gefängnisanstalten. Betreffend die Jahre 1858–1866.* Berlin. 1861–1867.

13. *Allgemeine Deutsche Strafrechtszeitung*. Herausgegeben von DR. FRANZ VON HOLTZENDORFF, Professor der Rechte. 1861–1867. Berlin.
14. *Rückblick auf die Wirksamkeit und Erfahrungen der Strafanstalt St. Jacob bei St. Gallen in den ersten fünfundzwanzig Jahren ihres Bestandes*. Von J. CH. KÜHNE. St. Gallen. 1866.
15. *Sul Governo e sulla Riforma delle Carceri in Italia. Saggio Storico e Teorico*. Da MARTINO BELTRANI SCALIA, Ispettore delle Carceri del Regno. Torino. 1867.
16. *Suggestions on Prison Discipline and Female Education in India*. By MARY CARPENTER, author of "Our Convicts," etc. London. 1867.
17. *Eleventh Annual Report of the Directors of Convict Prisons for Ireland*. Dublin. 1867.
18. *De la Détention Pénale*. (BONNEVILLE DE MARSANGY, in the *Revue Contemporaine* of July 15 and 31, 1867.) Paris. 1867.

By statements hitherto made in these pages, our readers have been made acquainted, at least partially, with the progress of prison discipline during the last twenty years, and the systems at present in use in several of the most advanced nations of the world. But these systems are constantly changing, sometimes by a gradual modification which does not alter the apparent form, (as in the ameliorations which have taken place in both the Auburn and the Pennsylvania systems in America,) sometimes by the abrupt substitution of one system for another, such as has been seen in Ireland. Moreover, as the experience of one country slowly transpires and is communicated by a sort of endosmosis to another, and then to another, there is always going on an eclectic reconstruction, in which the parts of different methods are sometimes joined together as strangely as the limbs of the Roman *What-is-it*, commemorated by Horace in the *Ars Poetica* : —

"Humano capiti cervicem pictor equinam
Jungere si velit et varias inducere plumas
Undique collatis membris."

It will be well, therefore, to generalize a little from the great

array of facts and authorities, in order to see what is the tendency and what may be the results of the present movement, in all parts of the world, for a reformation of prison discipline.

The works named in the foregoing list relate to some phases of this question in the United States, in Canada, England, France, Italy, Prussia, Switzerland, Ireland, and India; but they do not constitute, except in this country, a tithe of the publications annually made concerning the management of prisons. For example, we have not enumerated the latest works of Desmaze, Davisiès des Pontès, and Bonneville de Marsangy, in France; nor those of Fuesslin, Zugschwerdt, Mittermaier, and Holtzendorff, in Germany; of Orelli, in Switzerland; of Brusa and Bellazzi, in Italy; nor the account given by Capadose of the prisons of Spain. Still less have we attempted to follow the wide wanderings of discussion in England, or to trace the successive ameliorations of the penal law in the Continental countries. It is enough if we point out the main current of European theory and practice, and how this has been or may be modified in America, with which we are most concerned. A new interest in the subject has been aroused here, which promises, before it dies away, to lead to such an improvement of our prisons as will make them second to none anywhere, and establish a greater uniformity and consistency in the legislation and administration of penal affairs throughout the Union.

No work yet written will do so much to promote these objects as the two volumes published by the Prison Association of New York. Together they make up more than a thousand pages, devoted to a statement of the general principles of penal law, and of the manner in which it is administered in the prisons of the United States, and especially of New York. The first volume, originally intended to make Part II. of the Annual Report for 1866, now appears as a special Report, and has just been laid before the public. It is the work of two gentlemen, Dr. Wines and Professor Dwight, admirably qualified for their task, who in 1865 undertook, in behalf of the Prison Association, to visit all the loyal States of the Union, except those on the Pacific shore, and to learn, by personal

observation and inquiry, their theory and practice of prison management. To show how thoroughly they performed this labor we quote their own words, which disclose a comprehensive plan, carried out with a diligence truly remarkable.

“The States actually visited by the commissioners were Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin. Of these eighteen States, two, Delaware and West Virginia, have no state prisons, but confine their criminals, convicted of state-prison offences, the former in the jail at New Castle, and the latter in that of the city of Wheeling. Of the remaining sixteen, two, Pennsylvania and Indiana, have each two state prisons; the rest, each one. Five of the above States, Delaware, Indiana, New Jersey, Vermont, and West Virginia, had no reformatories at the time of our visit; but Vermont has since established one, New Jersey is about to do likewise, and Delaware is making efforts in the same direction. Of the other thirteen States visited, all have at least one reform school, Ohio has two, Pennsylvania three, and Massachusetts three. We inspected, more or less thoroughly, all the state prisons in the States visited, almost all the correctional institutions, and as many of the common jails, municipal prisons, workhouses, and houses of correction as our time would permit. Of course, it was not possible to make an exhaustive personal examination of so large a number of prisons. Years, instead of months, would have been required for such a labor. Therefore, to supplement our personal observations, we prepared five distinct series of interrogatories on as many different branches of the general inquiry with which we were charged, viz.: I. State Prisons. II. County Jails. III. Houses of Correction. IV. Juvenile Reformatories. V. The Administration of Criminal Justice. These interrogatories were drawn up with care, and were as exhaustive of the subjects to which they relate as we could make them.

“As in none of the States is there any central authority having charge of the county jails, and in none, except Massachusetts, any general system of houses of correction, or other prisons intermediate between the state prison and the common jail, but little use could be made of the questions relating to these two classes of prisons. The other series were committed to prison officers and other competent persons in the several States visited. No replies have been received in regard to state prisons from Delaware, Illinois, Maryland, New

Jersey, West Virginia, the Eastern Penitentiary, Pennsylvania, or that of Southern Indiana. From fourteen prisons of this class replies have been obtained, most of which are full and satisfactory, and must have cost their authors no little time and labor in their preparation. Answers have also been received, prepared with much care, from fourteen reformatories. Gentlemen of high legal ability and standing, in nine States, have responded to our interrogatories on the administration of criminal justice, sending us papers of very great value thereupon. A few answers have likewise been received relating to county jails and houses of correction, and a considerable number of private letters, from ladies as well as gentlemen, conveying valuable information, and offering no less valuable suggestions, touching the matters in which all the friends of prison reform feel so deep an interest. To all who have thus aided us, at the cost of so much time and toil, we tender our heartfelt thanks, trusting that they will find their reward in the consciousness of having helped forward a work which will not prove wholly fruitless of influences favorable to the progress of a just and enlightened prison discipline.

“In all the States visited, the commissioners sought opportunity to converse with governors, judges, attorneys-general, and private citizens of eminence, on the matters to which their mission related. Everywhere we were warmly welcomed. Everywhere a lively interest was expressed in our object. Everywhere the present labor was regarded as having a national scope and importance. All this was gratifying to the commissioners, as indicating that the investigation in which we were engaged had become a felt want of the country, and that it promises results not confined to the State in which it originated, though she claims to be an ‘empire’ in herself, but extending far beyond her boundaries.” — pp. 2, 3.

In working up the mass of facts obtained by the commissioners, there was, of course, much room for choice as to methods of arrangement, and we are not sure that the best has been chosen. As the Report stands we have:—I. A statement of the prison systems in use in the United States and in Canada, accompanied by some general remarks on what a prison ought to be and do. II. A description of the general administration of the prisons, followed by a detailed account of each important prison visited, with suggestions for the improvement of its material arrangements. III. The characteristics of the prison officers, and of the discipline established by them, with criticisms thereupon. IV. Some account of the

moral and religious agencies allowed in the actual prison discipline, and of the secular instruction allowed or required. V. A view of the sanitary condition of the prisons. VI. An exposure of the very unsatisfactory method of employing the labor of prisoners. VII. A discussion of the modes, length, and proper execution of sentences. VIII. The reformatory character, or the want of such character, in our prisons. IX. The question of pardons. X. A discussion of the value of criminal statistics, followed by certain general statistics in regard to crime. XI. The county jails and houses of correction. XII. Juvenile reformatories. In the Appendix we have, besides letters and other documents in support of the statements made in the text, extended memoranda on the criminal administration of various States of the Union, furnished by legal gentlemen in those States. It will be seen at a glance how wide is the field opened for investigation and examination by such a work as this.

In order, however, to bring home to the people of New York certain special topics here touched upon, the Executive Committee of the Association, in their last Annual Report (the twenty-second), have discussed them still further and with more detail. One of these is the Irish convict system, which is recommended for adoption in New York, and which is admirably described by a member of the committee, Mr. Gaylord B. Hubbell, who last year visited and examined the Dublin prisons, as well as several of those in England. Another is the contract system of labor, with particular reference to its results in the State of New York, where it seems to do more mischief than anywhere else. A third point is the evil influence of partisan politics on the management of prisons, as illustrated in the experience of New York. In connection with these two subjects we have a detailed account of the state prisons and district penitentiaries of New York, supported by the evidence taken last year by a prison commission, of which Dr. Wines was the secretary.

Taking the two Reports together, therefore, we find that they contain a general description by competent eyewitnesses of the chief prisons of the United States, Canada, and Ireland, and a detailed exposition, based upon testimony under oath, of

the internal management of the state prisons of New York, — a collection of facts which furnish a broad basis for generalization. We find, also, that the inferences from the facts thus gathered have been made by able men, accustomed to weigh, compare, and generalize; and that these have been expressed with sufficient force and plainness to serve as the outlines of a new system of prison discipline. What is the nature of this may be gathered from the following extracts. Speaking of existing systems, Drs. Wines and Dwight say: —

“Notwithstanding the encomiums bestowed, in a former paragraph, on the comparative excellence of the prison system of Massachusetts, we have no hesitation in expressing the opinion that there is no approach to perfection in any of the systems which have fallen under our observation. The one supreme aim of all public punishment is the protection of society by the prevention of crime. A system of prison discipline, which, combined with other agencies to be hereafter indicated, would banish crime from society, and secure a universal observance of the laws, would be fairly entitled to be regarded as perfect; and in proportion as such system should approximate the result stated would be its approach to the standard of perfection. . . .

“There is not a prison system in the United States, which, tried by either of these tests, would not be found wanting. There is not one, we feel convinced, — always excepting the department which has the care of juvenile delinquents, — not one which seeks the reformation of its subjects as a primary object; and even if this were true of any of them, there is not one, with the exception above noted, which pursues the end named by the agencies most likely to accomplish it. They are all, so far as adult prisoners are concerned, lacking in a supreme devotion to the right aim; all lacking in the breadth and comprehensiveness of their scope; all lacking in the aptitude and efficiency of their instruments; and all lacking in the employment of a wise and effective machinery to keep the whole in healthy and vigorous action.” — pp. 61, 62.

After pointing out the necessity of a gradation of prisons, properly classified according to the age, sex, and degree of criminality of the persons confined in them, they proceed to speak of the changes necessary in the higher prisons, which come immediately under the control of the State.

“Even supposing the buildings to be retained as they are, and the system in its substratum to continue unchanged, still important modifi-

cations are needed to bring our state prisons into harmony with the true design of a penitentiary system, considered as an agency for reforming and reclaiming fallen men and women. *A complete separation of the government of these prisons from party politics* ; permanence in their executive administration, effected by a permanent tenure of official position therein ; the employment of officers possessing a higher grade of qualifications ; the investiture of the wardens with the power of appointing and removing all the officers who constitute the police force of the prisons ; *the total abolishment of the contract system*, and the organization of the convict labor upon a principle which, in seeking to make the prisons self-supporting, will seek still more to make their industries an agency in reforming the prisoners and restoring them to society, masters of a business that will enable them to earn an honest livelihood ; *greater breadth and efficiency given both to religious and secular instruction* ; *the introduction of a carefully devised system of rewards as an encouragement to good conduct and industry, so that the principle of hope shall act with even greater vigor than that of fear* ; and the making of the reformation of the prisoners the real, as it is admitted to be the proper, object of the discipline of the prisons, and of the efforts of the officers in carrying it into effect ; — such are the essential reforms needed in the system, supposing it to remain in other respects what it is at present.” — p. 72.

We have here Italicised some of the most important and the most difficult to effect of these proposed reforms. The exclusion of the party politician and the prison contractor, followed by the introduction of the good schoolmaster, the natural teacher of religion and of the never-ceasing inspiration of hope, would indeed transform our prisons, and make them approximate to what in theory they are. But how Herculean the labor necessary to accomplish this in the State of New York, for example ! The language used in the Annual Report to describe the present condition of things in that State is not a whit too strong.

“ The official management of the prison fails in a great measure to accomplish the imperfect and narrow ends for which it is designed. It is pecuniarily expensive, it is inefficient, oppressive, and corrupt. The officers are, in many instances, unfit for their position ; the morals of some of them are not much better than those of the convicts ; they take little interest in the performance of their duties, — good men are weighed down by the burdens and incumbrances of the system. There

is little interest on the part of the public in the subject. It is deemed by many to be enough if the bad men who are convicted of crime are simply out of the way. Before conviction the criminal is the subject of interest, — often he excites sympathy, at other times awakens terror or causes horror ; after conviction he is in general forgotten, or, if remembered at all, is the subject of aversion and loathing. He has the brand of the law upon him, and the treatment which he receives is regarded with apathy. The want of interest on the part of the public reacts on the officials. They care in general but little for the reformation of prisoners. The theory of reformation is laughed at and scouted by the keepers, and treated as altogether a visionary thing.

“ Among all these men is a class of persons who have no real connection with the prisoners or the system. They are present to promote their own interest, without reference to the welfare of the prisoners or of the State. They too scout and scoff at reformation ; their sole business is to ‘ buy and sell and get gain.’ They thwart the efforts of well-meaning wardens ; they corrupt the corruptible ; they eject the honest ; they or their agents lead the prisoner to violate the prison rules, and to adopt a course of deception and fraud. Fraud without and fraud within, — such is the convict’s life.” — pp. 338, 339.

Yet it is in the very centre of such outrageous mismanagement that we find the first vigorous movement for a more perfect method. In the Constitutional Convention, in session while we write, for revising the fundamental law of New York, a strong effort is making to place the control of the prisons where the better sentiment of the State can reach to regulate and reform them. The first step will be to take the office of Prison Inspector out of the market of political bargain and sale, and allow the Governor to bestow it for a longer term of years on persons for whose conduct he shall be in some degree responsible. This is already done with regard to the Police Commissioners, the Health Commissioners, etc. of New York City, and the newly established Board of Charities for the State.* The principle is a good one, and there is hope that it may be adopted. After that, however, will come the weary labor of correcting in detail the mischief ingrained in the old

* The term of office for the New York Board of Charities is eight years, — nearly double the average term of the Massachusetts Board, which in most respects served as a model for the Legislature of New York. We believe a shorter period would have been better.

system, — a labor so great that it would be better at once to throw aside the system, as Mr. Hubbell recommends, in all new prisons which it may be necessary to build in New York, and to introduce there the Irish system, which could thence be gradually extended to the older prisons. As it is sometimes maintained that Sir Walter Crofton's system could only succeed in Ireland, and would be quite impracticable in America, it may be well to hear the opinion of Mr. Hubbell, an experienced prison officer, on this point. In his report of visits made to English and Irish prisons, he says : —

“ Can the Irish system, then, be adopted to advantage in our country ? For my own part, I have no hesitation in returning an affirmative answer, with emphasis, to this question. There are, to my apprehension, but two obstacles in the way. These are, the vastness of our territory, and the inefficiency of our police ; the former of which offers great inducements to prisoners to attempt to escape, and the latter being impotent to prevent escapes, or to re-arrest to any great extent. But, on the other hand, in the first place, a system of photography could be so well arranged as to make it difficult for escaped prisoners to remain in the larger towns to lead a criminal life without detection ; and in the second place, this country has greatly the advantage over England or Ireland in the more numerous chances of employment for men of this class after discharge. . . .

“ The Maconochie mark system, the gratuities, the school teaching, the library, the course of lectures, competitive examinations, debates, &c., &c., could all be introduced here, as well at least, and, in my opinion, much better than in Ireland. I have always entertained the belief that a very large proportion of the criminals, especially the young men, who get into our prisons, might be reformed, and made good citizens ; and I feel quite sure, that, if some such plan as the one here proposed should be tried in our State, the good results would be such as equally to astonish and delight the friends of prison reform.” — *22d Ann. Rep.*, pp. 186, 191.

In this connection, it may be said that an act passed by the Legislature of Massachusetts at its last session (chap. 301 of 1867), in regard to conditional pardons, has established the principle of the Ticket-of-Leave in this State. The old law, allowing pardons to be granted conditionally, (which was reported by Mr. Rantoul, in 1837, in compliance with a suggestion in the message of Governor Everett, and passed without

opposition,) had the fatal defect of requiring a trial by jury to determine whether the pardoned man had broken the conditions of his bond. The new law places the supervision of a prisoner, conditionally pardoned, in the hands of the State constables, and makes the Governor and Council judges of the fact whether he has broken the conditions, so that he can be at once remanded to the prison from which he was discharged. Under this law, it only requires energetic and discreet action on the part of the Executive, to give us the benefit of this feature of the Irish system, while the others can be adopted as they are found useful.

We cannot enlarge upon the details presented by the Report of Messrs. Wines and Dwight, in regard to the various prisons of the United States; nor is it essential that we should do so, since, in the main, they corroborate the statements made in these pages a year ago. But there are some facts to which it will be well to call attention. It seems that almost the first, if not the very first, attempts made in the United States to establish prison libraries, and to give school instruction to convicts, were tried in Kentucky, where also the first organized penitentiary was established. In 1802 we read, among the rules of this penitentiary, that "the convicts shall be encouraged to employ any leisure time in reading, and donations of books will be thankfully received; and the keeper shall take care of them, and procure a list, with the names of the donors." This was some approach to a prison library, if books were actually given for the purpose, as is probable. In 1829, the Legislature of Kentucky required the keeper of the penitentiary "to cause the convicts who are unlearned in reading, writing, and arithmetic to be taught in one or other of these branches at least four hours every Sabbath day," provided the expenses should "not exceed \$250 per annum." Meagre as this supply of teaching must have been, it was yet better than is even now furnished by law to any of the convicts of Massachusetts, Michigan, Missouri, Rhode Island, or Vermont, in which States, as we learn, no secular instruction is given; while in Kentucky itself the law of 1829 seems to be no longer in force. In Canada they manage things better in this respect. Dr. Wines says:—

"The provision made for the instruction of the convicts in the Pro-

vincial Penitentiary of Canada, in the elementary branches of a common education, is worthy of a humane and enlightened government. A teacher is employed, who gives his whole time to the work. He is aided by as many assistants as may be needed, who are selected from the best educated and best conducted of the convicts. The co-operation of these convict teachers in the work of instruction is found to be of essential service. Under the direction and superintendence of the schoolmaster, they teach the classes assigned them to the entire satisfaction of the prison authorities. The school is attended by all the inmates of the prison who need instruction in reading, writing, or arithmetic, and who are not incapacitated from learning by defective sight, deafness, mental imbecility, or other infirmity. There are four distinct sections of prisoners, whose members come under instruction in the course of the day, as follows : a morning class, commencing at six o'clock in summer and seven and a half in winter, and closing at nine ; a noon class, commencing at twelve and a half, and closing at one ; an afternoon class, commencing at one, and closing at three ; and an evening class, from six to seven and a half in summer, and from five to seven in winter. The noon class, which is the largest, numbering sixty or more members, is composed of convicts who are engaged on contract work, and who devote to lesson learning one half of the time allotted to the midday meal. The evening class is made up of prisoners who labor on the Rockwood Asylum for Criminal Insane, at the quarry, and on farm and garden work. Between two and three hundred convicts are, in this manner, brought under daily instruction, for a period varying from half an hour to three hours." — p. 230.

" *There is no prison in the United States, we are sorry to say,*" adds Dr. Wines, "*in which so much time and toil are given to this department of reformatory agencies.*" Yet the necessity for it exists here, as well as in Canada ; for we are told that

"The proportion of prisoners in the state prisons who are unable to read at the time of their committal varies a good deal in the several States ; the extremes, as reported, being from one twentieth in Vermont, where the proportion of the wholly illiterate is smallest, to one third in Wisconsin, where it is greatest. In other States, the proportion fluctuates between these extremes. In Maine, it is reported at one fifteenth ; in Massachusetts, at one tenth ; in Connecticut, at one eighth ; in New Hampshire and Pennsylvania, at one seventh ; in Indiana and Ohio, at one fourth ; in New York, one tenth (at Auburn, one fifth, and one third at Sing-Sing). Of convicts who give themselves in as able to

read, from a fourth to a half cannot, as a general thing, do so without spelling out more or less of the words ; and, in most prisons, few really good readers are received." — p. 231.

Considering how much ingenuity has been expended, in this country, on plans of ventilation, it is discouraging to find that our prisons are not, after all, well ventilated. In respect to this, the Report says : —

"In general, the ventilation of American state prisons is very imperfect ; and the same is true of the Provincial Penitentiary of Canada. On entering them, one is met by an odor made up of animal secretions, damp walls, pent-up dormitories, and musty clothing. Yet, with the exception of a few in the more newly settled States, our prisons, for the most part, appear to be kept thoroughly clean and well whitewashed. Whence, then, this disagreeable odor ? It can come only from the want of adequate ventilation. Many of the prisons, probably the most of them, have ventilating flues in the walls of the cells, but there is no heat in them to create a current ; and on trial with a lighted match, while in some the flame was slightly drawn into the opening, in others there was no draft at all. The best ventilation we found was in the Massachusetts State Prison and the Albany Penitentiary." — p. 239.

These things being so, and the size of the cells, in many prisons, being too small to admit of a sufficient supply of wholesome air, unless there is an actual ventilation, it is a matter of regret that the convicts are compelled to spend so many hours shut up in their cells. An evening school, or anything else that would take an hour or two in each day from this solitary confinement, would greatly benefit the health of the men. It is possible, however, to improve the ventilation of even the worst-built prisons, by some contrivance like that described by Mr. Hubbell as in use in England : —

"A high tower of brick or stone, well proportioned, and resembling in the distance an old English castle, is attached to every prison. This tower is made useful as well as ornamental. It rises to the height of sixty to eighty feet, and serves as the ventilator to the whole edifice. Each cell is provided with a valve, which can be worked by the prisoner at pleasure, to admit cold air from the yard ; a second, to admit warm air ; and a third is placed in the upper part of the cell, which enters a flue connecting with the great tower. The opening of this tower is five or six feet in diameter, and the smoke-pipe from the hot-air furnace and cooking apparatus passes up through it to the top, thus forming a cur-

rent of warm air, which operates with so much power upon the flues connecting with the cells, that the foul air is effectually and completely carried off. *No offensive odor, such as is usually found in prisons, and is peculiar to them, can be detected in any of the English prison buildings thus ventilated.* On inquiry of a warder, who had been a prison officer more than thirty years, how he accounted for the universal purity of the atmosphere in the English prisons, he replied, that he did not believe that it was all due to the mode of ventilation in use, but thought the kind of employment largely adopted did much to aid in this respect. Picking oakum is the first work performed by all prisoners, and, for this purpose, a small quantity of tarred rope is placed in each cell. The prisoners pick this rope to pieces, fibre by fibre, and it is thus made to emit a fume of tar, which mingles with the air in the entire building. This, he says, is always agreeable, and, he thinks, goes far towards purifying and deodorizing the atmosphere."

It may be remarked, in passing, that the general construction of the modern English prisons is much superior to that of ours. The prisons at Concord, Windsor, Wethersfield, and Sing-Sing, though considered well built at the time of their construction, would be instantly condemned by an English inspector, accustomed to the spacious cells and broad corridors of the British prisons.

There is one feature of the American prisons, much commented upon by Dr. Wines, which is now coming into notice unfavorably all over the country. We refer to the contract system of convict labor, to which some allusion was made in these pages a year ago. The opinion of Dr. Fosgate was then cited, and some criticism was made upon the ruinous financial consequences of the system. But what was then said was as nothing to what has been developed by the inquiries of the New York Prison Association. No such searching exposition of the real working of this system has ever been made as that contained in the two Reports at the head of our list. It is proper that all who have at heart either the welfare of prisoners, the economy of public money, or the honor of the State, should look at the testimony taken by the Commission of 1866 in regard to the contract system in New York. The evils there complained of, and apparently proved, may not be so flagrant elsewhere, but there is no certainty that they will not become so, and in some measure they do exist

in Massachusetts and other States. In summing up the evidence presented, the Commissioners say : —

“ In all this testimony there is a most surprising unanimity. Here we have a score of men speaking without concert, with deliberation and under oath, whose utterances are of the same purport. Wardens and chaplains, physicians and clerks, have but one word to utter on the subject of the contract system, and that word is condemnation. Not a voice is raised in its defence, not a word by way of apology, so far, at least, as it is employed in the *state prisons of New York*. Here, whatever it may be elsewhere, it is the fruitful and most mischievous source of discontent and insubordination in the convicts, favoritism and oppression by the officers, weakness and laxity in the discipline, and corruption in various forms. It entails most serious pecuniary losses upon the State, and often makes the prison a seminary of vice rather than a school of reform. To all these men the contract system is an utter abomination. Its continued existence does not admit of discussion ; prison discipline will be destroyed, if there is any serious delay in abolishing it. Some of the witnesses say that it were better that the prison doors should be thrown open, and all punishment of criminals abandoned, rather than longer to tolerate this most evil and corrupting system of convict labor.” — *22d Ann. Rep.*, p. 320.

These general denunciations are supported and explained in detail. In regard to the frauds practised and the losses falling on the State, the Commissioners say : —

“ There are various modes whereby the labor of men engaged in task-work is secured at a much less rate than is usually paid by employers. In the first place, the bids for labor are purposely made very low, and there is reason to believe that there is frequently a combination among contractors to keep the rates very moderate. Convict laborers earn two thirds or perhaps three fourths of the wages received by other workmen, while the State is paid only about one third of that amount, thus obtaining only one half of the sum which it should receive. Again, after the contract has been entered into, the contractors resort to various devices to cause the State not to realize the amount which is justly to be paid by the very terms of the contract. Among other artifices, a workman's name is often retained on the invalid list after he has been restored to perfect health, so that his labor may be obtained at half price. Another laborer may be reported as stupid and unable to work, for the same reason. Another is claimed to deserve only the compensation of an apprentice, as the work is new to him. This claim is altogether un-

founded, as an allowance for inexperience has already been made in the original contract of letting the men. Moreover, if the contractor makes little or no profit from his contract, whether the cause be his own negligence or misfortune, he asks the State for a deduction, in which application he is almost always successful; while, as might be anticipated, the State receives from him nothing beyond the provisions of the contract, though he has realized enormous profits. To understand how these results are accomplished by the contractors, it must be remembered that they are often active politicians, influential at nominating conventions, and that the authorities who have the management of the prisons have good reason to hold them in awe and to fear their opposition. For some reason the contractors succeed in carrying measures which are most advantageous to themselves and disadvantageous to the State." — *Ibid.*, pp. 323, 324.

But this is not the worst of it. The discipline of a prison in which contractors have become the controlling parties is fearfully demoralized. The Report goes on to say: —

"The contractor introduces into the prison a class of persons who are unfit to associate with the prisoners, and who greatly abuse the facilities there afforded them for intercourse with convicts. These persons are of two classes, — laborers, and instructors of the convicts. While some of them are men of good character, a large proportion of them are of a low order of morals, being addicted to habits of profanity and intemperance. They enter the prison precincts under the influence of liquor, and are often the subjects of the jeers of the men whom they supervise. They introduce surreptitiously into the prison forbidden wares, such as articles of food or spirits. They bring these in large quantities, under the guise of materials to be used by the contractors, and then sell them to the prisoners at enormous profits of one or two hundred per cent. They also furnish the convicts, at exorbitant rates, the means of carrying on clandestine correspondence, by letters to their friends, at the same time robbing the 'mail' which has thus been intrusted to them. The utmost difficulty is found in detecting this villainy, because the word of a convict cannot be taken, and because, when complained of, they assume and maintain, with skill and surpassing impudence, the air of injured virtue. . . . These men keep horses and carriages upon the premises, thus furnishing a convict to whom they are friendly a favorable opportunity for escape, and sometimes even drive the vehicle by means of which he departs.

"More than all this, they not unfrequently interfere directly with the discipline, thus subverting the control and influence of the warden.

They not only insist, in some cases, that the convict shall be punished, but in other instances endeavor to screen him from the punishment which the interests of the institution demand that he shall receive. They even lay plans to entrap prisoners, so that acts may be done by which punishment may be sustained. . . . As long as fixed notions of morality govern the action of the keepers, the contractor is powerless for wrong, whatever his disposition may be, or however much his supposed interests call for injustice to the prisoner. The contractor, under such circumstances, naturally applies to persons in authority, when a keeper may be appointed who follows out his views. To any person who is willing to make use of such means, the great objection to a keeper is not his want of experience, but his desire and purpose to carry into practical effect the rules laid down by the authorities for his government. *It is therefore to be expected that many officers who understand the state of the case have learned that the easiest course for themselves is to make the interests of the State and its prisoners subordinate to the will of the contractor or his agent. If the keepers are thus made, by outside pressure, to bend from the course which they have deliberately marked out for themselves, they lose their self-respect, become vacillating and servile in their conduct, forfeit the respect of the prisoners, and thus conduct the prison as the external power exercising the pressure requires.* The evil steadily increases, until, as an experienced officer testifies of Sing-Sing, the discipline grows more and more lax year by year.” — *Ibid.*, pp. 326 – 330.

Let us now see some of the evidence on which these statements are made. Rev. B. I. Ives, for eight years chaplain at the Auburn Prison, when questioned in regard to the effect of the contract system on the State finances, said : —

“ Q. Will you mention in what respects it is injurious to the State financially? A. First, the State loses large sums by letting the labor of its convicts at prices far below those paid for the same kinds of labor outside. Secondly, the State loses by surrendering profits which she might realize. A capable, honest man at the head of the prison might make all the profits which are now made by contractors. Thirdly, the State loses by often compromising, at large discounts, her own just claims against contractors. Fourthly, the State loses by paying heavy damages, most if not all of which rest on no basis of right.

“ Q. Will you give some instances of these unrighteous claims for damages? A. There have been instances in which five or six men have been absent, for a fortnight or so, from the shops, on account of which absences the contractors have claimed damages equal to the

wages of all the men in the said shops for an entire month. There have been other cases where revolts have taken place or work been damaged, and the contractors have come upon the State for large damages in consequence. At other times, difficulties have occurred in shops, on account of which men have been taken out and locked up in dungeons for punishment, and here, again, claims for heavy damages have been set up." — *Ibid.*, p. 418.

Mr. L. L. Wilkinson, formerly a keeper in the Auburn Prison, gave the following replies to questions : —

" Q. What is your idea of the profits made by contractors ?

A. They all make money, and many of them have accumulated fortunes. I know of but one exception to this.

" Q. Do not the contractors, nevertheless, often come upon the Legislature for large damages on the ground of alleged losses ? A. They do ; I will mention one case in illustration : a contractor who was allowed the use of the valuable water power of this prison without charge, and yet paid less for the labor of his men than other contractors who furnished their own power, has gone back on the State for heavy damages, claimed to have been accruing for a long series of years, in consequence of some deficiencies, from time to time, in the supply of water. The damages claimed, if I rightly remember, were some \$200,000 ; and they were allowed to the amount of \$125,000 certainly, and I think more. *This sum was paid by the State, in effect, for the privilege of making a present to the contractor of the use of the prison water power.*" — *Ibid.*, p. 437.

The following is from the examination of the same witness : —

" Q. Are contraband articles ever introduced into the prison by these outside parties ? A. They are ; such as whiskey, tobacco, provisions of various kinds, &c. Some of these are largely introduced, and also no small amount of yellow-covered literature. These articles are, I think, usually sold at an advance of not less than four hundred per cent on what the same could be obtained for outside.

" Q. As far as you know and believe, is bribery, direct or indirect, ever employed on keepers to induce them to wield the discipline of the prison, or to perform other acts in the interest of the contractors ? A. Yes, that is so. For instance, where the State receives fifty cents per day for a convict's labor, and his labor is worth one dollar to the contractor, if he does a half-day's work over his assigned task, earning for the contractor a dollar and a half, and receiving for himself twenty-five

cents for his extra work, the difference between seventy-five cents and one dollar and fifty cents will be divided equally between the contractor and the keeper. A keeper has stated to me that he received more from the contractors than he did from the State in the shape of salary. Keepers also very often receive favors from contractors in the form of presents, loans of money, &c., &c.

“ Q. What do you say of the power of contractors in our prisons ?

A. The power of contractors is predominating ; it destroys the independence of the keepers, and is a constant source of irritation among the convicts.” — *Ibid.*, p. 442.

Rev. John Luckey, for eighteen years chaplain of the Sing-Sing Prison, was questioned, and replied as follows : —

“ Q. How do contractors make their power felt in the administration of the discipline of the prison ? A. They often interfere in the discipline directly, by dictating as to the punishment of the convicts in their shops. I have often seen contractors accompany prisoners to, and return with them from, the punishment-room. On one occasion, I saw a man bucked in a very cruel manner ; and when, as his neck would be wrenched, and under the agony thus inflicted he would plead for mercy, a contractor’s agent, standing by, and fairly gritting his teeth, would say to the officer who was administering the punishment, ‘ Give it to him, the villain ! he is not subdued yet.’ I have known contractors to stimulate certain prisoners, by special rewards, to do more than an ordinary day’s work, and then insist upon others coming up to that standard, and, when they failed to reach it, to have them punished as idling and wasting their time.

“ Q. In what ways do contractors make their power felt, in obstructing the moral agencies employed, or desired to be employed, as a means of reforming prisoners ? A. They oppose everything of this kind which would consume any part of the time of the convicts that might be employed to their own pecuniary advantage. Some years ago, as a means of softening the feelings and improving the hearts of the convicts, I got up a prison choir, composed of the prisoners. The hour from four to five every Saturday afternoon, in summer, and from three to four, in winter, was devoted to practice, in my presence. *At length, the contractor, in whose shop the leader of the choir worked, forbade him to attend the rehearsal, unless a deduction of one fourth should be made from his wages on that day, for this loss of a single hour.* There was a convicts’ prayer-meeting, held for an hour once a fortnight, during a part of the time of my incumbency ; the contractors objected to any of their men attending this service at the sacrifice of a single hour of their time. *In the year 1844, I proposed a burial service for the dead, at which the*

convicts should be assembled in the chapel. To the propriety and wisdom of such a service, as a moral agency potent for good, the inspectors, at once and cordially, assented; but in their response to my written application, they said that a difficulty presented itself as to carrying out my recommendations, in the fact that a large number of the convicts were employed by contractors at certain per diem rates." — *Ibid.*, pp. 481, 482.

Mr. Gaylord B. Hubbell, formerly warden at the Sing-Sing Prison, made these statements on his examination : —

" Q. What, in general, has been the character of the citizens brought into the prison by contractors, as well those whom they are authorized to introduce as those whom they are not? A. They are, as would naturally be expected, of a variety of characters; and this applies to both classes, except that the permanent foremen, or instructors, are generally the most intelligent. This would naturally be the case, as the foremen must, generally, be better business men and more skilled workmen. Some of both classes are men of good character; *but a very large proportion of them are of a very low order of morals, being addicted to habits of profanity and intemperance.*

" Q. Do contractors or their employees ever make use of profane or abusive language to prisoners? A. Contractors' employees have been reported to me for using such language to convicts, and have been forbidden the prison premises therefor.

" Q. Do they ever enter the prison precincts under the influence of liquor? A. I do not now remember that I ever saw them enter the premises in such a condition, but such cases were reported to me; and contractors' foremen have, for such offences, been dismissed, and prevented from ever again acting as foremen or having any intercourse with prisoners.

" Q. Are contraband articles ever introduced into the prison by these outsiders? A. *They are, by contractors' agents, and not unfrequently by contractors themselves.*

" Q. What kinds of articles are so introduced? A. Sugar, tea, coffee, butter, pies, cakes, liquor, looking-glasses, combs, brushes, &c. These sometimes come in by the barrelful, under the guise of materials to be used by contractors.

" Q. How are these articles disposed of? A. They are sold to prisoners, sometimes for money, but chiefly for overwork, at prices double, and many times treble and quadruple, their market value. The foremen keep an account with the prisoners for overwork, and draw the money for the same from the contractor; but they pay the prisoners in these contraband articles at the exorbitant prices above mentioned, and thus make large gains for themselves." — *Ibid.*, p. 393.

It is needless to continue these citations, which cover all and more than all the charges made by the Commissioners. Since it may be said, however, that these statements in regard to the financial inefficacy of the contract system, so far as the State is concerned, are mere opinions, let us see what the pecuniary result has been in our state prisons for the year 1866. During that year the number of convicts was everywhere large, the wages of labor outside were high, and, with a good system and good management under it, every one of these prisons, except those in Pennsylvania, ought to have more than paid its expenses. This was actually done by the Detroit House of Correction, where the sentences average less than four months, and where a large proportion of the convicts are women, who earn less than men. It was nearly the same at the Albany Penitentiary, where the sentences are of about the same length. But in the twenty or more State prisons, only four paid their expenses with their earnings. This, and other curious facts, will be shown by the following table, which, with some modifications, is the same in character as that printed in the *North American* for October, 1866. By a comparison of the two tables, several interesting particulars will be seen. For example, it will be noticed that the average number is this year some three thousand (or more than forty per cent) greater than in the previous year; yet the annual deficit of the prisons as a whole will be considerably greater than last year, when it rose to half a million of dollars. And it will generally be seen that the largest deficit occurs in prisons where the contract system has reached its full development, — where, as in New York, it controls everything, sooner or later, — and not where it is carefully kept in check by strict regulations, or where only a part of the convicts are set to work under its provisions. It must be borne in mind, too, that all these prisons except those in Pennsylvania seek to be self-supporting, to pay their expenses with their earnings. Most of them, at some period, have done so, but have gradually lapsed into their present condition, not usually because their expenditures are excessive, but because their receipts from labor are so small. In New Jersey, for example, these receipts were but \$25,000, with an average number of 475 prisoners, — a dollar a week for each convict.

A Table, showing the Number, Date, Location, Number of Prisoners, and Annual Cost of the State Prisons in Twenty-one States, 1866-67.

States,†	Prison Established.	Location of Prison.	Average No. of Prisoners, 1866.	Deficit of Earnings, 1866.	Excess of Earnings, 1866.	No. in Prison at latest Date, 1867.
Maine	1824	Thomaston	114	\$	\$ 288.57	154
New Hampshire ..	1812	Concord	114	.....	646.89	119
Vermont	1808	Windsor	78	7,308.98	.....	90
Massachusetts ..	1805	Charlestown	470	6,104.65	.....	537
Rhode Island	1838	Providence	55	1,500.00*	.....	56
Connecticut	1827	Wethersfield	201	.....	1,078.85	194
New York	1821	Auburn	688	30,444.93	.....	944
“ “	1825	Sing-Sing	1339	94,555.04	.....	1,420
“ “	1845	{ Dannemora, Clinton Co. }	440	.....	1,735.66	500
New Jersey	1835	Trenton	475	45,000.00*	.....	520
Pennsylvania	1826	Pittsburg	330	19,037.58	.....	424
“ “	1829	Philadelphia	510	50,000.00*	.....	589
Maryland	1815	Baltimore	541	13,000.00*	.....	661
Ohio	1834	Columbus	799	16,239.86	.....	1,029
Michigan	1838	Jackson	412	60,000.00*	.....	528
Illinois	1857	Joliet	960	7,000.00*	.....	1,004
Indiana	1846	Jeffersonville	350*	20,000.00*	.....	417
“ “	1859	Michigan City	150*	25,000.00*	.....	272
Iowa	1852	Fort Madison	90*	25,000.00*	.....	120
Wisconsin	1849	Waupun	133	1,256.88	.....	200
Minnesota	1859	Stillwater	27*	12,000.00*	.....	44
Missouri .....	.....	Jefferson City	500	50,000.00*	.....	700
Kansas	1863	Leavenworth	75*	20,000.00*	.....	123
Kentucky	1798	Frankfort	400*	.....	14,000.00	524
California	1851	San Quentin	700*	50,000.00*	.....	800
			9951*	535,697.95*		11,969

* Approximate.

† Few of the Southern States are included in the above table, for the reason that there are very scanty returns from their state prisons since the war, and it is impossible to give their financial results without such returns. In Delaware, West Virginia, and Florida there are no state prisons. That of Virginia is at Richmond; of North Carolina, at Raleigh; of South Carolina, at Columbia; of Georgia, at Milledgeville; of Alabama, at Wetumpka; of Mississippi, at Jackson; of Louisiana, at Baton Rouge; of Texas, at Houston; of Arkansas, at Little Rock; of Tennessee, at Nashville. Several of these prisons were burnt during the war,—those at Columbia, Milledgeville, and Baton Rouge,—and all were much disorganized. At present there are at Nashville four hundred and fifty convicts, working at the rate of forty-three cents a day. At Richmond there are three hundred convicts, nearly half of them colored persons; at Little Rock there are sixty-four.

The number seems to be fast increasing in the Southern prisons, particularly of colored convicts, of which, before the war, there were but few. When every planter held court-baron as often as he pleased, and extended the privileges of that feudal tribunal to the taking of life and limb, there was little need to sentence slaves to the state prison. But now, when the blacks are free, they are charged not only with their own sins, but those of their neighbors, and they get sentenced without stint. In Virginia, Georgia, Tennessee, and perhaps elsewhere, efforts are making to improve the prison system. At the Kingston Penitentiary in Canada there are now 869 convicts, and about sixty in Halifax in Nova Scotia.

Notwithstanding this large increase in our prison population, which has crowded nearly every state prison in the country far beyond its capacity, we see that they fell far short of being self-sustained. Some of them will do better this year, — perhaps most of them. Massachusetts will have a surplus revenue from her state prison of perhaps \$25,000; Ohio, of from \$5,000 to \$10,000; and a few other States will be added to the list of the self-supporting. Michigan will reduce its deficit from \$60,000 to \$25,000, and New Jersey will make a considerable reduction. On the other hand, at Sing-Sing, Philadelphia, Pittsburg, and perhaps elsewhere, the deficit will this year be greater than in 1866.

That there is no necessity for such financial results may be learned, as we have already intimated, from the experience of the Albany Penitentiary and the Detroit House of Correction. The latter is a new prison, opened in 1862. Since January, 1863, the earnings, derived chiefly from the labor of county prisoners committed for an average of only about one hundred days, have amounted to nearly \$30,000 above all expenses, or an average of \$7,500 a year from less than two hundred prisoners. Within that time the Michigan State Prison has cost more than \$100,000. The contrast is a striking one.

The history of the Albany Penitentiary, as given by Mr. Dyer, for twelve years its chaplain, is interesting in several aspects. Contrary to the universal custom in this country, this prison was built and has been managed for more than twenty years by the same person, — Amos Pilsbury, the most remarkable prison officer in America. The Boston House of Correction has been for a considerably longer time under the charge of one person, — Captain Charles Robbins; but he did not build his prison, nor has he had so much voice in controlling it as General Pilsbury has had in his. The latter is now sixty-two years old, and more than forty of those years have been spent in the government of convicts. He aided his father, Moses C. Pilsbury, for some years, in the management of the New Hampshire State Prison; then went with him to Wethersfield to build and control the Connecticut State Prison, of which he became Warden in 1830. In 1845 he was invited to Albany, where, with a brief interval, he has ever since had charge of

the Penitentiary. This is a district prison for minor offences, owned by the county of Albany, but tenanted by convicts from eleven other counties of New York and from the District of Columbia, which, having no penitentiary of its own, sends its sentenced persons three or four hundred miles to place them under the control of General Pilsbury. It was built during the years 1845 – 1848, in part by convicts directed by their warden, and at a cost of less than fifty thousand dollars. At that time it contained but one hundred and fifty-four cells, so that the average cost of each cell was about three hundred dollars. It has now been so much enlarged as to contain about three hundred cells, of which the average cost is about the same, the whole establishment costing less than one hundred thousand dollars. When it is remembered that the Boston jail with its land cost nearly half a million, though the number of cells is smaller, and that the Lowell jail, with only a third part as many cells, has cost nearly two hundred thousand dollars, the frugality of General Pilsbury will be appreciated. But when it is added, that he has received and supported in this penitentiary an average of three hundred prisoners for twenty years, without drawing upon the treasury of the county for a single dollar, but that he has, on the contrary, paid into it, in one way and another, nearly one hundred thousand dollars, or the cost of his prison, his frugality seems still more praiseworthy. In Albany, as in Connecticut, he has so managed the prison finances that criminals have been restrained, punished, and to some extent reformed, without the cost of a penny to the public.

It is easy to deride such economy, and still easier to charge its success to hard treatment of the convicts. But though the rule of General Pilsbury has been severe, it has been just, and apparently has led to the reformation of as many criminals as the more costly methods pursued in most of our prisons. And it is necessary to say that an honest parsimony practised by any public officer in the State of New York becomes of the greatest moral value; while the importance of it in prison discipline is but little understood by those who denounce it. *Magnum est vectigal parsimonia*,— a saying as worthy of regard now as when Burke mispronounced it in the House of Commons. There are limits to the patience with

which a community will endure to be taxed for the reformation of rascals ; and they are more quickly reached when it is generally understood that the rascals are not made better. Any prison officer, therefore, who can make his establishment self-supporting, secures a hold on public confidence which will allow him to make those generous experiments for the reformation of convicts that alone can elevate prison discipline to the rank of philanthropy. And it is because we believe that frugality is not inconsistent with a high standard of prison discipline, — nay, is essential to it, — that we look with so much satisfaction upon the career of General Pilsbury. He has shown that the extravagant cost of prisons is needless ; now let those who believe themselves more humane than he go forward and accomplish as much in their own specialty.

Mr. Brockway, the Warden at Detroit, is a pupil of General Pilsbury ; but in some respects he has deviated from the severe discipline of his instructor. He allows his prisoners certain privileges which at Albany would be thought questionable, but which he finds to be productive of good. In his response to the inquiries of Dr. Wines, Mr. Brockway says : —

“ In the administration of the discipline kindness is employed, and is esteemed a very important means. Prompt attention to the seasonable requests of prisoners, considerate treatment, and the maintaining of a kind, benevolent demeanor in the intercourse of officers and prisoners, produce the most gratifying effect. Rewards are also employed as a stimulus to good conduct, viz. commutation of sentence three days per month ; the allowance of overwork (paid only at the expiration of the sentence) ; and, in the female prison, the division of the prisoners into two grades.” — p. 341.

The whole of the letter here cited deserves to be carefully read, for the admirable suggestions which it contains. It is not without reason that the Commissioners say : “ As we have not hesitated to avow the conviction that the Massachusetts State Prison is, all things considered, the best which it has been our fortune to visit, so we have as little hesitation in expressing the opinion that, so far as our own knowledge goes, the Detroit House of Correction holds a like pre-eminence among the prisons of its class. This establishment is under the care and direction of Mr. Z. R. Brockway. There are few

prison officers in this country, or probably in any other, who combine, in an equal degree, the varied qualifications requisite for the successful management of a penal institution." (p. 339.)

Mr. Brockway's prison is one of that class, small in this country, which receives persons convicted of minor offences, and gives them steady employment. In all the States except Massachusetts, New York, and Michigan, such convicts are sent to the county jails, where, generally speaking, they have no regular employment. In Michigan there is but one of these district prisons; in New York there are six, namely, at Albany, Brooklyn, Buffalo, New York, Rochester, and Syracuse; in Massachusetts there are virtually fourteen, including the State Workhouse and the Boston House of Industry. At Cincinnati, St. Louis, Philadelphia, and other large cities, there are prisons which approximate to this character, and in Chicago a house of correction is contemplated. In Connecticut, and to some degree in New Hampshire, there is a regular system of employment in the county jails. Nothing would do more for the great mass of our convicts than the establishment of good district prisons, on the model of the Detroit House of Correction, in all the States; and this, we are glad to see, is urged by the Commissioners. The number of persons passing through this grade of prisons is vastly greater than the number sent to the state prisons in all the States where both classes of prisons exist. In Michigan, for instance, 620 persons were confined in the state prison in 1866, while not less than 907 were confined in the Detroit House of Correction, receiving only the convicts of a few counties. In the New York State Prisons in 1866, 3,400 persons were confined; but in four of the district prisons, 5,383 persons; in the Massachusetts State Prison, 626 persons; but in the houses of correction and industry no less than 6,400 persons, — more than ten times as many. Any instrumentality which can affect these prisons of the second grade, therefore, will influence a far greater number of convicts at an age when they are generally more susceptible to good impressions.

A year ago allusion was made in these pages to the rapid filling up of our prisons with men who had seen service in the army or navy. At that time, we are confident, at least *two*

thirds of all commitments to the state prisons in the loyal States were of this class. In the two prisons which make up their statistics most carefully, — the Massachusetts State Prison and the Eastern Penitentiary at Philadelphia, — the following facts have been noted among the male prisoners : —

	Massachusetts Prison.	Eastern Penitentiary.
Committed the first half-year, 1866,	179	197
“ “ second “ “	68	152
Army and navy men, first period,	124	138
“ “ second period,	47	108
Total for the year, {	247	349
	171	246
	69.1	70.5
Committed the first half-year, 1867,	91	160*
Army and navy men,	60	98
Percentage,	66	61.25*

It thus appears that throughout 1866 the percentage of army and navy prisoners committed was nearly *seventy*, and that it has since fallen off but little. The effect of this state of things, of course, has been to make up nearly or quite half of the existing prison population from the ranks of the soldiers and sailors. In the Connecticut Prison, out of 179 male convicts now in confinement, 97, or 54 per cent, have seen service. In Massachusetts and Pennsylvania, the proportion must be quite as large.

Probably this is the case in the other prisons named in the foregoing table, in few of which have any inquiries been made on this point. If so, there cannot be less than *five or six thousand* soldiers and sailors who fought for the Union now confined in the state prisons of the Union ; to say nothing of the tens of thousands besides, who during the year have been confined in the lesser prisons. These things are arousing the interest of many who have never before felt the importance of reforming the discipline of prisons.

It is curious to observe how all suggestions for such a reformation take one direction in this country. The official opinions quoted by Dr. Wines, the reports of prison establish-

* Including perhaps six or seven females, which would increase the percentage among the male prisoners to 63.6.

ments, the newspaper articles that treat this subject, are all pitched in the same key. Longer sentences, steadier discipline, rewards for good conduct, and assistance to discharged prisoners, are recommended by all, while the main current of opinion sets strongly in favor of conditional pardon, and the other characteristics of the Irish convict system. This opinion we believe to be well founded; and that it prevail speedily ought to be desired by all philanthropists.

In Europe, however, the Irish system is either ignored or strenuously opposed in several of the principal nations. In England it has at last triumphed over its opponents, and in substance has become the law of the land. It is to be administered there, too, under the eye of its founder, Sir Walter Crofton, who will give it all the efficacy which English prejudices will allow. But in France it is as yet but little known, although advocated in one form or another for the last twenty years by Bonneville de Marsangy. The recent papers of this writer in the *Revue Contemporaine* give the reader a general history of the various methods of prison discipline, with special remarks on the condition and defects of the French prisons. He declares that, in spite of the efforts of MM. de Tocqueville, de Beaumont, de Metz, Aylies, Blouet, Béranger, Moreau Christophe, and others, the French system of imprisonment remains essentially the same as that established by Napoleon in 1810. This is hardly credible, unless we understand it to mean that all the attempts made to modify particular portions of the systems have failed to affect the majority of the French prisons as a whole, though they have entirely changed the character of special prisons. In 1810 there were none but *congregate* prisons, which had not even the Auburn improvement of separation by night. The reports of De Tocqueville and others convinced some of the authorities in France that their congregate prisons were faulty, and a few were built on the Philadelphia plan. But the work of reconstructing prisons always goes on slowly, and before the ideas of the reformers could be completely carried out a reaction took place. The advocates of the cellular (Philadelphia) system were so strong in 1836, that they obtained from the Minister of the Interior a circular directing that all new prisons in

France should be built with separate cells; in 1843, they carried their plan for separate imprisonment (limited to twelve years) through the Chamber of Deputies; in 1846–47, a more stringent measure was proposed, which the revolution of 1848 set aside. The reaction then began; and, in 1853, the Minister of the Interior issued a circular abandoning the cellular system.* This resolution of the imperial government was violently opposed by the friends of separation, but was never changed; on the contrary, in 1865, the cellular prison of La Roquette, the most perfect of its kind in France, was closed by order of the Emperor, on the representations made by a commission at the head of which was the Empress. As the Auburn system had never been generally introduced, though partially followed in some of the prisons, the abandonment of the cellular plan threw the government back on the old method, dating from 1810. This is something like the fashion of the Charlestown prison before its rebuilding in 1828–29; there is little solitary confinement, most of the cells being large, and tenanted by a considerable number of persons. The sanitary arrangements and the service of food are excellent; the workshops are orderly and the workmen industrious. But the classification of convicts is very imperfect; they associate with each other to their mutual injury, and they seldom manifest any desire for repentance. In order to guard in some degree against the contamination of evil associates, the government has, since 1853, favored the classification of prisoners according to some standard of conduct, and has directed the prisons to be built to carry out this classification whenever any are to be constructed.

This policy is one step toward the adoption of Sir Walter Crofton's system, of which the central idea is to classify on the basis of conduct and character. And perhaps it will be easier to introduce the more rational and practical discipline of the Irish prisons into those of France, than into a country like Belgium, where the establishments are better, and better

* There were at that time in France fifty-five cellular prisons, and eleven more were building. The whole number of prisons was upwards of four hundred, of which twenty-five were *maisons centrales*, or state prisons. Besides these there now are more than twenty-two hundred guard-houses (*Dépôts de Sûreté*).

managed, but where the cellular system has been more completely developed, and has fixed itself in the minds of the most intelligent officials. For the same reason that the new method will be welcomed in the mismanaged state prisons of New York and New Jersey, it will find acceptance in France. It will offer there a palpable and immediate amelioration of the present condition of things; but in Belgium, as in Pennsylvania, the existing system has such merits in some respects, that it will yield reluctantly to what is novel and opposite. And this system is that of complete separation.

Let it be understood, however, that there is no country in the world, and probably not even a city or district, where the separate or Philadelphia system is found in its purity. Certainly, Philadelphia is not such a city, for even in the Eastern Penitentiary itself there are now about six hundred prisoners, while the number of cells is but five hundred and forty. The authorities are therefore compelled to place two or more convicts in the same cell, and theoretical isolation becomes practically association. In the county prison at Moyamensing, the case is still worse, for the inspectors say: "*The separate system has been necessarily abandoned in all the departments of the prison; and even in the convict corridors, two, three, and even four prisoners are placed together in a single cell.*" * The fact is, that no community as yet has been found willing to build prisons sufficient to give every convict a separate cell, except during seasons when the number committed is very small, as it was in Philadelphia during the late war.

Perhaps, of all countries, Belgium is that which approaches nearest to a complete realization of the separate system. Her policy for many years has been directed by Ducpétiaux and other warm advocates of separation; her territory is small, her population and wealth great, and the administration of her provinces much more uniform than in the larger States of Europe. We should expect to find in Belgium, then, a good arrangement of cellular prisons, a wise management of their affairs, and the most satisfactory results in general. Such we believe to be the case; and yet the success of the Belgian prison system cannot be compared with what has been seen in

* Report of the Philadelphia County Prison, 1867, p. 9.

Ireland, — a country poor, decaying, and ill governed. There are found even in Belgium some advocates of the Auburn and some of the Irish system.

In Holland, where also the government has been very favorable to the cellular system, the opposition to it is much more decided than in Belgium. We noticed, early in 1866, the remarkable treatise of Van der Bruggen, published after his death, and devoted to a general examination of prison discipline. He had been at the head of the prison system of Holland; he had learned to distrust the method of separation, and was the hearty supporter of Crofton's method. Since his death the controversy has gone on in Holland, with what immediate result we are not informed, but certainly without strengthening the cellular system in the opinion of the people.

Prussia furnishes an example of one of the best-managed cellular prisons in the world, — that of Moabit in Berlin. Built in 1848, and opened in 1849, it came, about 1857, to be largely devoted to separate imprisonment, — the number of solitary cells at that time being several hundred. In 1860 there were four hundred and thirty-three of these cells, the whole number of prisoners being six hundred and thirty-nine.* It cannot be considered, therefore, as a perfect example of a cellular prison; but so distinct are the two portions of the establishment, that the cell-buildings really constitute a prison by themselves. Of the other thirty-two convict prisons of Prussia, none have so large a proportion of isolated prisoners, and few or none are so well constructed. The average number in all these prisons is upward of twenty thousand, and the annual commitments are more than five thousand. Probably less than a tenth part of the prisoners are subjected to separate confinement; yet this is the system favored by the government. Its merits are warmly disputed by Dr. von Holtzendorff of Berlin, Professor John of Königsberg, and other advocates of the Irish system, and their arguments cannot fail to have an effect.

Austria, as might be supposed, has the worst prisons in Cen-

* *Mittheilungen aus den amtlichen Berichten*, etc., (1861,) pp. 271, 272. This work appears under the direction of Dr. Wichern, the founder of the *Rauhe Haus* at Hamburg, whose religious dictation in the Prussian prisons has been strongly censured by Holtzendorff.

tral Europe. The higher convict prisons are about thirty in number, and are chiefly on the old congregate plan, with more or less admixture of the Auburn system. A measure is now under discussion for introducing separate imprisonment and conditional pardon, but the friends of prison reform in Germany do not hope much from this. The task of improving the old structures is so great, and so costly, that it is not likely, in the present state of Austrian finances, to be seriously undertaken. This will be no obstacle to the granting of conditional pardons, however, and may even promote it, since that may be looked upon as a measure of economy.

The smaller states of Germany are likewise so heavily burdened with debts and taxes, that they are effectually prevented from doing much to improve their prisons. Some of these, as, for example, the cellular prison at Bruchsal in Baden, are famous and well managed; others, and probably the majority, are by no means what they should be. The centralizing force of Prussia may eventually work a reformation in the prisons of Germany, as well as in her other institutions. If so, the essays towards a system of conditional liberation, which have been made in Saxony, Bavaria, and Oldenburg, will doubtless be carried further.

Switzerland contains many small prisons and one or two larger ones. The Penitentiary of St. Jacob, in the Canton of St. Gall, though no larger than the New Hampshire State Prison, and scarcely more than half as ancient, has already had its history twice written. Mooser, for many years its director, published one account in 1851, and Herr Kühne another in 1864. The latter has reached a second edition, and not without reason, for it is an admirable work of its kind, giving all of the essential facts in the history of the little prison, during its first twenty-five years. Like most of those in Switzerland, it is on the Auburn plan, and manages its labor skilfully. In no country of Europe are the prison earnings so considerable, in proportion to the expenses, as in Switzerland. It is feared that to introduce the Irish system would increase the cost of the prisons, which the Swiss are unwilling to do. Notwithstanding this, there are champions both of the Irish and the cellular system in Switzerland; and at Geneva, and perhaps elsewhere, the latter is in use.

In Denmark, Sweden, and Norway this system has been partially introduced, but is by no means universal, nor likely to become so. In most of the prisons where there are separate cells, the convicts associate during the day. We do not learn that any movement is making in favor of the Irish system in these countries.

In Italy this is the case, although no practical steps have yet been taken. As in the other European countries, the chief controversy has thus far been between the friends of Auburn and of Philadelphia, while the actual state of the prisons has been very defective. Under the vigorous supervision of Signor Scalia, we may look for an improvement both in theory and practice.

Concerning Russia, Turkey, Greece, and Spain we have no recent information of much value. In Portugal a new prison code has been compiled, into which, through the enlightened views of Jordao, its compiler, have been incorporated many of the provisions advocated for twenty years by Bonneville de Marsangy, and by him urged upon the consideration of the Portuguese government. But in actual administration there is reason to fear that Portugal, like Italy, is still behind the age.

The recent visit of Miss Mary Carpenter to India, and the pains taken by her to investigate the condition of convicts there, has excited a strong desire among the enlightened residents and natives of that empire to correct the shameful abuses described by her. No American or European prisons, since Andersonville was captured, can compare for neglect and abuses with those of India. An attempt will be made to apply to them the principles which now regulate the prison system of the United Kingdom; and when Miss Carpenter revisits India, as she proposes, she will doubtless find that her labor has not been in vain.

Having thus glanced at the position of affairs in respect to prison discipline in so many parts of the world, we may venture to state some of the conclusions drawn from an extensive and by no means hasty examination of the subject. The prevention of crime and the reformation of criminals must ever be among the most difficult duties laid upon society; yet the at-

tempt to perform these duties must be zealously made, wherever men feel the obligations that civilization imposes. For many crimes are created by civilization, and many criminals have been made so by society itself, with little chance to escape from the career into which they have been thrown. Moreover, crime, for which society is not responsible, which springs from individual depravity, still places us under a strict responsibility for its repression, and for the bettering of him who commits it; especially when (as civilized communities now universally do) we compel the perpetrator to forfeit his liberty, and to undergo the servitude of labor or the wretchedness of separation from his kind. This duty has never been more clearly pointed out than by a writer already referred to, — M. Van der Bruggen of Holland. In his posthumous *Études sur le Système Pénitentiaire Irlandais*, this generous moralist says: "The state, or the community, determining to deprive men by force of their natural liberty of action, and using, as a chief means of punishment, restraint and intimidation, incurs thereby an absolute obligation to the persons thus treated, that they shall receive not only what their physical wants require, but also those means of satisfying the needs of their moral and intellectual nature which their dependent condition prevents them from obtaining for themselves." (p. 33.) This is the statement of a simple duty, as unavoidable as the duty of protecting life and property against crime; and society is derelict for neglecting the one as much as for refusing the other.

Let it be observed that there is as yet no question of philanthropy. It is not to be considered, as yet, what are the deserts, or what have been the temptations, of the prisoner. No matter what his career has been, if the state decides to spare his life, the state must also provide that he shall suffer no moral detriment by the course of life which is forced upon him. That the abstract right to take life as a sanction of the law inheres in the state, we have no doubt; that it must sometimes be exercised, we also believe. But all people are coming to the conclusion that capital punishment must be reduced to a minimum; banishment also has almost ceased to be employed as a penalty; and imprisonment is more and more the accepted

atonement and corrective of crime. This being so, it is in the highest degree important that society should recognize its bounden duty towards the millions whom it compels to undergo this forced servitude.

But no sooner does the kindly heart of man take notice of these imprisoned millions, vile and abominable as they may be, than the touch of sympathy begins to be felt. "But for the grace of God, there goes John Newton," sighed that pious man as he saw the convict carried to Tyburn. "I see no crime I might not have committed," sings the Swedish poet. No less touching, if less epigrammatic, is the humble avowal of the author we have cited above: "If I might venture to refer to my personal experience, gained during the many years that I exercised the functions of prosecuting attorney and prison inspector, I am constrained to say that I should think ill of any man who should have much to do with prisoners, and not feel oftentimes profoundly humiliated in soul. So many days of shame and suffering for a detected act of moral weakness, the sinfulness of which makes no approach to the vileness of thought and deed that too often form the web of our hidden life! And how many times it happens that a poor scapegoat of human justice has less need of Heaven's pardon than the well-fed, well-wrapt philanthropist, who comes in complete freedom to labor for his conversion!" (pp. 52, 53.)

Henry Fielding would have loved a public prosecutor who could say that; yet with his compassion for the criminal would have mingled too much indifference to the crime. But Elizabeth Fry and Sarah Martin, and the many good women who have taken pity on prisoners, were inspired by a sentiment more akin to the Divine mercy, and more native to the hearts of women than of men. It was Portia, not Bassanio, that said of mercy,

"It is an attribute to God himself,
And earthly power doth then show likest God's,
When mercy seasons justice"; —

and this saying is the commonplace of our times, which the influence of women has done so much to soften in this very matter of legal punishment.

No doubt, the temper of modern philanthropy has sometimes

shown itself too effeminate, and has, with some reason, drawn down the vituperation of Carlyle and his echoes. It should be the office of mercy to qualify justice, not to supplant it; and it is the truest kindness to the criminal to exact from him the penalty of misdoing. So far as any system of prison discipline has done this, it has done well, if it has done nothing more. But, unfortunately, the attendant circumstances are generally such as to neutralize the good thus effected. In the solitary cell, the convict first bethinks himself, then repents (at least of the consequences of his crime), and then comes to regard himself as the victim of vindictive punishment. In the congregate workshop, too often, he neither bethinks himself nor repents, but hastens at once to the conclusion that he is the victim of society. He lives in a world of bustle and toil, full of mean passions and selfish hypocrisy; but the bustle and companionship do not animate him, the toil is enforced for the profit of another, and he loses sight of the motive which the law professed to assign for placing him in a position so galling to every fibre of his self-respect. And when we reflect what is the standard of character which we subject to these bitter tests, how ill-born, ill-taught, ill-regulated, ill-conditioned, nine tenths of these convicts have been, can we wonder that so few of them are improved by their imprisonment? There is much wisdom, though there is too little hope, in the shrewd sayings of an Edinburgh policeman:—

“The simple truth is, that punishment hardens. It is forgotten by the hopeful people that it is clay they have to work upon, not gold; and therefore, while they are passing the material through the fire, they are making bricks, not golden crowns of righteousness. Enough, too, has been made of the evident enough fact, that they must continue their old courses, because there is no asylum for them. You may build as many asylums as you please, but the law of these strange nurslings of society’s own maternity cannot be changed in this way. I say nothing of God’s grace,—that is above my comprehension; but, except for that, we need entertain no hope of the repentance and amendment of regular thieves and robbers. They have, perhaps, their use. They can be made examples of to others, but seldom or ever good examples to themselves. That they will always exist is, I fear, fated; but modern experience tells us that they may be diminished by simply drawing them,

*when very young, within the circle of civilization, in place of the old way of keeping them out of it."**

Drawing criminals "within the circle of civilization," whether they are young or old, is indeed the only way known to human ingenuity of reforming them. It is in this respect that the Irish system (or, more properly, the system of Maconochie and Crofton) stands pre-eminent above all others for the management of convicts. At every step they are brought nearer to the life of civilized men, by means of incentives and appliances which have, thus far, been found more efficacious than any that prison regulations have before called into exercise. And they are so, simply because they are the natural means, pointed out by good sense and good will, for supplying what convicts have hitherto lacked, and for reducing what they have had in excess. The prison systems that have preceded this have not been without their good points; indeed, there was little or nothing adopted by either Maconochie or Crofton that was absolutely new. What is valuable is the combination and application of the good points of every system; and this may be secured by the disciples of Crofton and his unappreciated predecessor.

But it is vain to hope for perfect results from any system, or for considerable success under any management, unless the public take a hearty interest in the condition of our prisons. The ignorance and indifference in regard to them, now too common everywhere, and as remarkable in the United States as in Austria, must in some way be overcome. If public opinion required that every magistrate should visit, at least once a year, every prison to which he had condemned a fellow-mortal, and that every preacher of the Gospel should have offered at least one prayer in the company of those prisoners whom Christ enjoined him not to neglect; if the devoted women who go out as missionaries, or teach the freedmen, would first give one thought to the heathen in the nearest jail; and if the workers in other fields of philanthropy would do the same, — we should soon see a new order of things. We should not get rid of crime, nor find prisons useless, but we should bring the treatment of the criminal class into nearer agreement with our theory of laws and the spirit of our religion.

* *Curiosities of Crime in Edinburgh*, by James McLevy, Edinburgh Police Detective Staff. Edinburgh: W. Kay & Co. 1867.